

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

vs.

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

No. CIV S-01-0507 LKK KJM

DEATH PENALTY CASE

ORDER

On June 19, 2009 the parties submitted a joint statement regarding a schedule for pre-evidentiary hearing matters, a date for the evidentiary hearing, and the method of taking testimony.

After considering the joint statement, IT IS HEREBY ORDERED as follows:

1. On July 8, 2009 at 10:00 a.m., the undersigned will hold a hearing on petitioner's motions to preclude his deposition and to enjoin respondent's counsel from accessing his CDCR records. At that time, the court will also hear argument on the parties' disagreements set out in the joint statement about timing and the methods for taking testimony. Counsel shall be prepared to discuss the range of methods available for the taking of the testimony of lay witnesses.

1 2. Respondent wishes to propose an alternative to the procedures for sealing
2 portions of the evidentiary hearing set out by the court in Osband v. Ayers, CIV S 97-0152 WBS
3 KJM. By July 20, 2009, respondent shall file his brief on the issue. By August 19, 2009,
4 petitioner shall file a responsive brief. Respondent may file a reply brief by September 2, 2009.
5 After receiving the briefing, the court will determine whether or not oral argument is necessary.

6 DATED: June 24, 2009.

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9 U.S. MAGISTRATE JUDGE
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